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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

RUTH EAMES,

Plaintiff,

v.

**SAFEWAY, INC., dba an Alaska
Corporation and ALBERTSONS
COMPANIES, INC., dba an Alaska
Corporation,**

Defendants.

Case No.: _____

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Defendants Safeway, Inc., and Albertsons Companies, Inc., by and through their undersigned counsel, file their Notice of Removal pursuant to 28 USC § 1446(a), and state the following in support:

1. Plaintiff filed this action (3SW-21-47CI) in the Superior Court for the State of Alaska, Third Judicial District at Seward, on or about August 3, 2021.

2. Defendants Safeway, Inc., and Albertsons Companies, Inc. were served with the Summons and Complaint through their registered agents by Certified Mail which was received on August 3, 2021.

3. Defendants Safeway, Inc., and Albertsons Companies, Inc. entered an Entry of Appearance in the State Court action and a Demand for Jury Trial on August 19, 2021 and an Answer on August 24, 2021. Copies of all the pleadings filed in and any orders entered in the State Court are listed on the attached Index in chronological order and are attached hereto as Exhibits 1 through 10.

4. This Notice of Removal is being filed within thirty (30) days under Fed. R. Civ. P. 6 after receipt of the Summons and Complaint by the Defendants, and as such is timely pursuant to 28 USC § 1446(b).

5. This case is removable by the Defendants pursuant to 28 USC § 1441(a) as a civil action “of which the district courts of the United States have original jurisdiction.”

6. This Court has original subject-matter jurisdiction in this case because Plaintiff’s claim meets both the complete diversity and amount in controversy requirement of 28 USC § 1332 in that this is a civil action between citizens of different States, Defendants are not citizens of the State of Alaska, and the amount in controversy is alleged to exceed \$75,000. The Complaint specifically alleges that the Plaintiff “sustained damages in an amount greater than \$100,000.” The Complaint further specifically alleges that the Plaintiff “suffered damages, including but not limited to medical expenses, pain and suffering, loss of wages, loss of enjoyment of life (sic), and other damages all in an

amount greater than \$100,000.” Plaintiff has alleged in communications to the Defendants that medical damages alone are over \$65,000. Taken together, these allegations indicate alleged damages would exceed \$75,000.

7. Plaintiff alleges that she is a resident of the State of Wisconsin. *See* Complaint ¶ 1.

8. Defendants are both incorporated in and organized under the laws of Delaware.

9. Defendant Safeway, Inc.’s principal place of business is Pleasanton, California.

10. Defendant Albertsons Companies, Inc.’s principal place of business is Boise, Idaho.

11. Contemporaneously herewith, written notice is being given to all adverse parties and to the Clerk of Superior Court for the State of Alaska, Third Judicial District at Seward that this Notice of Removal is being filed with this Honorable Court in accordance with 28 USC § 1336(d). (See attached Affidavit of Counsel).

WHEREFORE, Defendants, Safeway, Inc., and Albertsons Companies, Inc. request that the entire above-titled State Court Action be removed from the Superior Court for the State of Alaska, Third Judicial District at Seward, to this Honorable Court for all further proceedings pursuant to D. Ak. L. R. 3.3(b)(1).

HOFFMAN & BLASCO, LLC

Dated: August 25, 2021

By: /s/ Robert P. Blasco
Robert P. Blasco, AK Bar #7710098

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HOFFMAN & BLASCO, LLC

Dated: August 25, 2021

By: /s/ Megan J. Costello
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CERTIFICATE OF SERVICE

The undersigned certifies that on August 25, 2021 a true and correct copy of the foregoing **NOTICE OF REMOVAL** was served on the following parties of record via U.S. First Class Mail and Facsimile:

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/s/ Robert P. Blasco
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